

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

John M. Agnello, Esq.
Melissa E. Flax, Esq.
James E. Cecchi, Esq.
CARELLA, BYRNE, CECCHI,
OLSTEIN, BRODY & AGNELLO, P.C.
5 Becker Farm Road
Roseland, New Jersey 07068
Telephone: (973) 994-1700
Email: jagnello@carellabyrne.com
mflax@carellabyrne.com
jcecchi@carellabyrne.com

Richard R. Patch (*pro hac vice*)
Clifford E. Yin (*pro hac vice*)
Christopher J. Wiener (*pro hac vice*)
Sarah E. Peterson (*pro hac vice*)
COBLENTZ PATCH DUFFY & BASS LLP
One Montgomery Street, Suite 3000
San Francisco, CA 94104
Telephone: 415-391-4800
Facsimile: 415-989-1663
Email: ef-rrp@cpdb.com
ef-cey@cpdb.com
ef-cjw@cpdb.com
ef-sep@cpdb.com

Attorneys for Defendants, DraftKings Inc., Crown NJ Gaming Inc. d/b/a DraftKings,
DGMB Casino LLC and Resorts Casino Hotel (improperly impleaded as Resorts Atlantic City)

MATTHEW YOUNGS, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

DRAFTKINGS, INC.; CROWN NJ
GAMING INC. d/b/a DRAFTKINGS;
RESORTS ATLANTIC CITY; and DGMB
CASINO LLC,

Defendants.

Civil Action No. 2:25-179 (SRC)(JRA)

NOTICE OF MOTION TO DISMISS

Return Date: April 21, 2025

TO: Elvin Esteves, Esq.
LAW OFFICE OF ELVIN ESTEVES LLC
460 Bloomfield Avenue, Suite 200
Montclair, NJ 07043
(862) 881-5552
elvin@estevesjuris.com

Michael Kanovitz (*pro hac vice*)
Jon Loevy (*pro hac vice*)
Isaac Green (*pro hac vice*)
Aaron Tucek (*pro hac vice*)
LOEVY & LOEVY
311 N Aberdeen Street, Suite 3
Chicago, IL 60607
(312) 243-5900
mike@loevy.com

Attorneys for Plaintiff

PLEASE TAKE NOTICE that on April 21, 2025, or as soon thereafter as counsel may be heard, Defendants DraftKings Inc., Crown NJ Gaming Inc. d/b/a DraftKings, DGMB Casino LLC and Resorts Casino Hotel (“Defendants”), shall move before the Hon. Stanley R. Chesler, U.S.D.J., United States District Court, District of New Jersey, Frank R. Lautenberg U.S. Post Office & Courthouse Building, 2 Federal Square, Newark, New Jersey 07102, for an Order pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6) and 9(b) dismissing Plaintiff’s Complaint with prejudice.

PLEASE TAKE FURTHER NOTICE that in support of their motion, Defendants shall rely upon the Memorandum of Law in Support of Defendants’ Motion to Dismiss and Declaration of Veronica Hamel submitted herewith.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted herewith.

PLEASE TAKE FURTHER NOTICE that Defendants request oral argument.

CARELLA, BYRNE, CECCHI,
OLSTEIN, BRODY & AGNELLO, P.C.

Dated: March 27, 2025

By: 

JOHN M. AGNELLO
JAMES E. CECCHI
MELISSA E. FLAX

COBLENTZ PATCH DUFFY & BASS LLP

Richard R. Patch (*pro hac vice*)

Clifford E. Yin (*pro hac vice*)

Christopher J. Wiener (*pro hac vice*)

Sarah E. Peterson (*pro hac vice*)

One Montgomery Street, Suite 3000

San Francisco, CA 94104

Attorneys for Defendants, DraftKings Inc., Crown
NJ Gaming Inc. d/b/a DraftKings, DGMB Casino
LLC and Resorts Casino Hotel (improperly
impleaded as Resorts Atlantic City)

CERTIFICATION OF SERVICE

I, the undersigned, hereby certify that the within Notice of Motion, Memorandum of Law in Support of Defendants' Motion to Dismiss, Declaration of Veronica Hamel and proposed form of Order were served via electronic filing and email on this 27th day of March, 2025, on:

Elvin Esteves, Esq.
LAW OFFICE OF ELVIN ESTEVES LLC
460 Bloomfield Avenue, Suite 200
Montclair, NJ 07043
(862) 881-5552
elvin@estevesjuris.com

Michael Kanovitz (*pro hac vice*)
Jon Loevy (*pro hac vice*)
Isaac Green (*pro hac vice*)
Aaron Tucek (*pro hac vice*)
LOEVY & LOEVY
311 N Aberdeen Street, Suite 3
Chicago, IL 60607
(312) 243-5900
mike@loevy.com

Attorney for Plaintiffs

/s/ Melissa E. Flax
MELISSA E. FLAX